

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

RAMON MADRID,

Plaintiff,

v.

BISHOP, WHITE & MARSHALL, P.S.,

Defendant.

Case No.: 08-01780 RAJ

ANSWER AND COUNTERCLAIM

**COMES NOW**, Bishop, White & Marshall, P.S., Defendant, by and through its attorneys of record, Krista L. White of Bishop White & Marshall, P.S., and for answer to the Complaint, states:

1. Defendant admits paragraphs 1 and 2 of the Complaint.
2. Defendant does not know the whereabouts of Plaintiff's residence at this time and is unable to form an opinion as to the truth of the allegations of the paragraph 3 of the Complaint and therefore denies them.
3. Defendant admits to paragraphs 4 and 5 of the Complaint.
4. Paragraph 6 calls for legal conclusion for which no response is required and is therefore denied. Defendant further denies that it is the licensee under RCW 19.16.100.

ANSWER AND COUNTERCLAIM - 1

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Against\Madrid, Ramon\Pleadings\Answer  
and Counterclaim.doc

**BISHOP WHITE & MARSHALL, P.S.**  
720 OLIVE WAY, SUITE 1301  
SEATTLE, WASHINGTON 98101-1801  
206/622-5306 FAX: 206/622-0354

1           5. Defendant denies paragraphs 7, 9, 10, 11, 12 and each and every other  
2 allegation contained in the Complaint.

3                                   **AFFIRMATIVE DEFENSES**

4 By way of affirmative defenses Defendant states:

5           6. Any statutory violation by Defendant was as a result of a clerical error or not  
6 intentional and resulted from a bona fide error notwithstanding procedures reasonably  
7 adapted to avoid such error.

8           7. Plaintiff's Complaint is not timely and is barred by the statute of limitations.

9           8. Defendant is exempt from the provisions of RCW 19.16.

10          9. Plaintiff has failed to state any claim upon which relief can be granted.

11                                   **COUNTERCLAIM**

12 Defendant realleges the foregoing Answer and Affirmative Defenses and states:

13          10. Plaintiff's Complaint is brought in bad faith and for the purpose of  
14 harassment. Defendant is entitled to its attorneys fees and costs incurred pursuant to 15 USC  
15 § 1692 K (a)(3).

16                                   **PRAYER FOR RELIEF**

17 WHEREFORE Defendant prays for the following relief:

18          1. That Plaintiff take nothing by way of his Complaint.

19          2. That Defendant be awarded its attorneys fees and costs pursuant to 15 USC §  
20 1692 K (a)(3).

21          3. That Defendant be awarded such other and further relief that the Court deems  
22 just and equitable.

1  
2  
3 **DATED** this 14<sup>th</sup> day of January 2009.  
4

5 BISHOP WHITE & MARSHALL, P.S.  
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7 By: /s/ Krista L. White  
8 Krista L. White, WSBA No.: 8610  
9 Attorneys for Defendant  
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25 ANSWER AND COUNTERCLAIM - 3

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**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that, on this day of I caused to be delivered by e-file electronic delivery and regular mail postage pre-paid a copy of the foregoing Notice of Appearance the following addressees:

JON N. ROBBINS  
WEISBERG & MEYERS, LLC  
3877 NORTH DEER LAKE ROAD  
LOON LAKE, WA 99148

DATED this 14th day of January, 2009, at Seattle, Washington.

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Deborah Nagle

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